



17555 PEAK AVENUE MORGAN HILL, CALIFORNIA 95037

Morgan Hill Civic Center
West Conference Room
17555 Peak Avenue
Morgan Hill, California

Chairperson:
Committee Member:
Staff:

Council Member Larry Carr
Council Member Steve Tate
City Manager Ed Tewes
Assistant to the City Manager Melissa Stevenson Dile
Police Chief Bruce Cumming
Recreation and Community Services Manager Julie Spier
Deputy Director of Public Works Mori Struve

PUBLIC SAFETY AND COMMUNITY SERVICES COMMITTEE

REGULAR MEETING

April 20, 2005

5:00 P.M.

CALL TO ORDER

DECLARATION OF POSTING OF AGENDA

In compliance with Government Code 54954.2

PUBLIC COMMENTS

The Morgan Hill Public Safety and Community Services Committee welcomes comments from all individuals on any agenda item being considered by the Committee. In the interest of brevity and timeliness, and to ensure the participation of all those desiring an opportunity to speak, comments presented to the Committee are limited to three minutes time.

BUSINESS:

1. Presentation of the Sobrato Soccer Complex Proposal: David Morton and Charlotte Powers
2. Approve minutes of March 25, 2005 meeting
3. School Resource Officer Funding
4. Interim skate park and permanent skate park planning (no written report)
5. Subcommittee's role during the Indoor Recreation Center construction process (no written report)
6. Legislation: League of California Cities request for letters of opposition to AB 260
7. Indoor Recreation Center Groundbreaking May 31 at 5:30 pm (tentative) (no written report)
8. Agenda topics for May 18 meeting (no written report)
 - Request by Sal Murillo, Santa Clara County Public Health Department, to make a presentation about the Coalition Against Tobacco about the Tobacco and Education Program.

ADJOURNMENT

NOTICE
AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disabilities Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the Public Safety and Community Services Committee agenda, please contact the Office of the City Clerk at 17555 Peak Avenue, or call 779-7259 (or, Hearing Impaired only – TDD 776-7381) to request accommodation.

**PUBLIC SAFETY AND
COMMUNITY SERVICES SUBCOMMITTEE**



STAFF REPORT: *April 20, 2005*

REVIEW OF SOBRATO SOCCER COMPLEX PROPOSAL

EXECUTIVE SUMMARY:

Attached is a proposal from the San Jose Soccer Complex Foundation requesting that the City of Morgan Hill contribute \$1 million toward the development and construction of the Silicon Valley Soccer Complex. Under this proposal, the City would be a "lead contributor" in a \$7 million fundraising effort.

David Morton, President of the San Jose Soccer Complex Foundation, and Foundation consultant Charlotte Powers will present the proposal.

FISCAL IMPACT:

This project is in the City's Capital Improvement Program. Of the original \$1 million allocation, \$974,000 remains, following payment for design services. If the proposal is accepted, the City would commit \$1 million toward the development and construction of the Silicon Valley Soccer Complex.

RECOMMENDED ACTIONS:

Hear presentation and determine whether to proceed to a full Council discussion on the proposal.

Prepared by:

Melina Stevenson

Assistant to the City Manager

**PUBLIC SAFETY AND
COMMUNITY SERVICES SUBCOMMITTEE**



Morgan Hill Civic Center
West Conference Room
17555 Peak Avenue
Morgan Hill, California

Chairperson:
Committee Member:
Staff attending:

Council Member Larry Carr
Council Member Steve Tate (attending by phone)
City Manager Ed Tewes
Assistant to the City Manager Melissa Stevenson Dile
Police Chief Bruce Cumming
Recreation and Community Services Manager Julie Spier
Deputy Director of Public Works Mori Struve

***Draft* MINUTES
March 23, 2005
5:00 pm**

CALL TO ORDER

Chairperson Carr called the meeting to order at 5:00 p.m. and announced the agenda was posted in compliance with Government Code 54954.2. No members of the public were present to offer public comment.

BUSINESS:

1. School Resource Officer Funding (No written report)

Chief Cumming stated that funding for School Resource Officers in 2005/06 has not yet been identified. It is not clear that the School District will continue the current level of funding (\$56,000). An additional \$20,000 is required in order to keep the same level of staffing for next year because a grant has expired. The City will not be seeking a new grant for this purpose because it would require hiring additional officers, which is cost-prohibitive at this time.

The Subcommittee discussed how to approach this issue with the School District. They directed staff to do the following:

- Chief Cumming to prepare a report showing the funding required for the School Resource Officer Program, and the City resources available for this program. The report should also suggest staffing assignments that could be supported if the School District does not fund \$56,000 (as they currently do) or \$76,000 (as would be needed to fully staff this program).
- Staff will add this topic to the April 8 agenda for the City/School Liaison Committee.

2. Indoor Recreation Center Update

Staff updated the Subcommittee on the status of negotiations with the YMCA for operating the aerobics and fitness programs at the IRC. Staff also sought input on the timing and scope of the IRC ground-breaking ceremony. Favorable bids were received on the IRC; the bids will go to Council on April 6.

The Subcommittee directed staff to do the following:

- Continue negotiations with the YMCA, with a continued focus on full cost recovery for the facility. Return to the Subcommittee when more details are known about the YMCA's costs for providing aerobics and fitness services.
- Plan for the IRC groundbreaking. The proposed date of May 20 is acceptable, though the Subcommittee recommended an early evening event to allow commuting residents to attend. The event should not be as lavish as the CCC groundbreaking.

3. Review of the Sobrato Soccer Complex Proposal

The Subcommittee discussed the process for considering the proposal, and what information the Subcommittee members would need in order to make a recommendation to the full Council.

The Subcommittee decided to put this proposal on the April 8 City/School Liaison Committee meeting agenda, and to ask School District representatives whether the District would have costs associated with this proposal.

The Subcommittee also directed staff to invite representatives from the San Jose Soccer Complex Foundation to present their proposal at the April 20, 2005 Public Safety and Community Services Subcommittee meeting.

4. Future Agenda Planning (No written report)

The following topics were established for future agendas:

- Sobrato Soccer Complex Proposal
- Interim skate park and permanent skate park planning
- Subcommittee's role during the Indoor Recreation Center construction process

5. Future Meeting Schedule

The Subcommittee set a regular meeting date and time of the third Wednesday of each month, from 5 – 6 pm.

ADJOURNMENT

The Subcommittee adjourned at 6:05 pm.

**PUBLIC SAFETY AND
COMMUNITY SERVICES SUBCOMMITTEE**



STAFF REPORT: *April 20, 2005*

FUNDING FOR SCHOOL RESOURCE OFFICERS

EXECUTIVE SUMMARY:

At the March 23, 2005 meeting of the Public Safety and Community Services Committee, the Committee discussed the funding required for the 2005/06 School Resource Officer (SRO) program.

The Committee directed Chief Cumming to prepare a report showing the funding required for the SRO program and to add this item to the April 8, 2005 City/School Liaison Committee agenda. A letter from Chief Cumming to MHUSD Superintendent Dr. Carolyn McKennan is attached. The topic was on the April 8 agenda, but the meeting was canceled.

FISCAL IMPACT:

Due to reduced grant funding, the Police Chief has requested the District provide partial funding for the SRO program at \$57,720 annually. This would provide one SRO for 185 school days, not including summer school. As part of the City Council's budget adoption process, the Police Department will recommend the second SRO position be fully funded by the City.

RECOMMENDED ACTIONS:

Committee discussion and direction to staff as appropriate.

Prepared by: Melina Stevenson Dile
Assistant to the City Manager

**PUBLIC SAFETY AND
COMMUNITY SERVICES SUBCOMMITTEE**



STAFF REPORT: April 20, 2005

**LEGISLATION: LEAGUE OF CALIFORNIA CITIES REQUEST FOR LETTERS OF
OPPOSITION TO AB 260**

EXECUTIVE SUMMARY:

The League of California Cities is encouraging cities to send letters of opposition to state legislators regarding AB 260. The full text of the measure is attached, and the League's statement of opposition is excerpted below.

"AB 260 requires that fire data reported to the State Fire Marshal from departments operated by the state, a city, city and county, fire protection district, organized fire company, or other public or private entity, include a comparison of response times and staffing levels to benchmarks found in a nationally recognized standard for fire protection. AB 260 is substantially similar to AB 2406 from the 2004 Legislative session that was opposed by the League and subsequently vetoed by Governor Schwarzenegger.

In his veto message, the Governor stated, "Fire protection service standards are directly dependent on the local decision-making process. Local agencies are in the best position to evaluate their conditions to match community needs with available resources"

As written, and as stated in the author's original background documents, the intent of this bill is to compare the response times and staffing levels of each reporting fire department with the standard found in NFPA 1710, the Standard for the Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments, a voluntary standard produced by the National Fire Protection Association. While the League agrees it is important for local governments to develop performance objectives, benchmarks and evaluations, the League is opposed to the comparison of fire department data to the controversial NFPA 1710 standard, which is opposed by most local jurisdictions in California."

The City has resisted other legislative efforts to impose the NFPA 1710 standard on cities, including opposing AB 2406 in the 2004 Legislative Session.

FISCAL IMPACT:

The potential fiscal impact of the passage of AB 260 is unquantified at this time. Sending a letter to legislators can be accommodated within staff's work program.

RECOMMENDED ACTIONS: Committee discretion.

Prepared by:


Assistant to the City Manager

CITY OF MORGAN HILL

MAR 07 2005

CITY MANAGER

San Jose Soccer Complex Foundation
1027 West Taylor Street
San Jose, CA 95126

March 3, 2005

Mr. J. Edward Tewes
City Manager
17555 Peak Avenue
Morgan Hill, CA 95037-4128

Dear Mr. Tewes:

Thank you for the opportunity to put before you and the City of Morgan Hill Council members, our enclosed proposal for support of the Silicon Valley Soccer Complex ("Complex"). The San Jose Soccer Complex Foundation ("Foundation") is fully committed to make this Complex a reality, and we would welcome and appreciate having a strong partnership with the City of Morgan Hill.

Our request of the City of Morgan Hill is for \$1 million dollars as a lead contributor for the development and construction of the Silicon Valley Soccer Complex. The present design of the Complex calls for 16 fields to be constructed on a 50-acre parcel of "open space" owned by the City of San Jose on the Morgan Hill border, adjacent to Ann Sobrato High School. We expect a similar leadership position from others who have a keen passion for youth soccer.

'Kick Start,' as we call our capital campaign, is just completing its Study Phase—and beginning the Fundraising Phase. We will be launching initiatives with each stakeholder segment. There is no doubt about the critical need for additional soccer fields as has been recently chronicled in a couple articles in the San Jose Mercury News.

The plan is to break ground at the earliest possible date when we have the necessary financial commitment(s) to ensure the complex can be completed. Our goal is \$7 million dollars, and our initial analyses indicate a high probability of raising these funds—with your help.

Thank you again for your and the Council members' consideration of our request. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

s/ David H. Morton

David H. Morton, President
San Jose Soccer Complex Foundation

Enclosure

Soccer Complex Funding Request

City of Morgan Hill
March 2005

San Jose Soccer Complex Foundation

San Jose Soccer Complex Foundation

The San Jose Soccer Complex Foundation ("SJSCF" or "Foundation") was incorporated in California on October 6, 2003. The purpose of the Foundation is to raise the capital necessary to fund the design and construction of the soccer complex to be known as the Silicon Valley Soccer Complex ("SVSC" or "Complex"). SJSCF will be responsible for the management and maintenance of the Complex. The Foundation has received its non-profit organization status from the State of California and its 501 (c) (3) status from the Internal Revenue Service.

Today, soccer is the fastest growing sport in the United States. Soccer is the second largest participatory sport (ages 6 – 17) in the United States with 18+ million players. California is the top soccer state with well over 2 million youth players. Further, the metropolitan bay area is the 4th largest soccer market in the United States.

In connection with the explosive growth in the sport, demand for soccer field usage has increased dramatically, particularly in the last decade with the number of participants increasing to record highs in all levels of play. Also, increased restrictions relative to the time and days of use of present facilities have further magnified the demand for existing soccer fields. Further, the closures of numerous schools means their athletic fields are no longer available for use. In addition to the above, the field shortage issue in the South Bay and Peninsula areas is further exacerbated with the re-purposing of the Morgan Hill Soccer Complex (13 fields). This shortage of soccer fields in the South Bay and Peninsula areas has been chronicled in the San Jose Mercury News over the past few months.

There are 16 (sixteen) California Youth Soccer Association – North Leagues ("Leagues") serving over 25,000 youth in the counties of: Santa Clara, San Benito, Monterey, Santa Cruz, and San Mateo. Collectively the counties form District II. This does not include the thousands of players in the American Youth Soccer Organization ("AYSO") leagues, men's amateur leagues (adult), women's amateur leagues (adult), and co-ed leagues in these 5 (five) counties.

Over the past 10 years, the District II Leagues have been utilizing the Morgan Hill Soccer Complex. In anticipation of the re-purposing of the Morgan Hill Soccer Complex, the District II Leagues formed the Foundation with its purpose and mission as outlined previously. The SJSCF is a separate entity and not governed by California Youth Soccer Association – North ("CYSA-N"). To date, District II Leagues have provided approximately \$ 900,000 in seed funds to the SJSCF for a new soccer complex.

Proposed Complex Site

With the assistance of the City of Morgan Hill and City of San Jose, a site was identified for a new soccer complex. The site is a 50 (fifty) acre parcel of "open space" owned by the City of San Jose on the Morgan Hill border adjacent to Ann Sobrato High School. A

design for the Complex has been drafted and includes 16 (sixteen) fields. Additionally, the site will have approximately 875 parking spaces, modular restrooms, modular administrative offices, modular concession facilities, and modular maintenance and storage facilities. SJSCF will operate and maintain the Complex under an operating-type lease agreement ("Agreement") with the City of San Jose at no cost to the Foundation. The provisions of the Agreement with the City of San Jose have not been finalized, however, it is anticipated the term of the lease will be 25 years with an option to renew in 5-year increments.

In addition to providing the 50-acre parcel, the City of San Jose has agreed to fund approximately 90% of the environmental study (EIR) that is estimated to cost \$ 300,000. The EIR was approved by City Council in early February 2005 and is in process. It is anticipated that the EIR will be completed within 7 (seven) months.

The City of Morgan Hill has earmarked \$ 1,000,000 for the Complex. These funds, if approved by Morgan Hill's City Council, would be utilized as follows in constructing and outfitting SVSC: Design - \$ 40,000; Construction (specifically seed and landscape and irrigation) - \$ 300,000; Equipment - \$ 250,000; Modular Buildings - \$ 300,000; and Soccer Equipment - \$ 110,000.

Cost Estimate to Construct and Outfit Complex

Following is a cost estimate to construct and outfit the Complex. The estimated costs to construct SVSC are based principally upon information provided by Beals Alliance Inc.

Description	Timing	Cost
EIR	Fiscal 2005	300,000
Design fees	Fiscal 2005 and 2006	349,000
Construction:		
Site Preparation	Fiscal 2005	233,000
Well Drilling including well and pump system	Fiscal 2005	350,000
Grading and Drainage	Fiscal 2005 and 2006	734,500
Hardscape	Fiscal 2006	620,000
Fencing	Fiscal 2005 and 2006	190,000
Seed and Landscape Site	Fiscal 2005 and 2006	791,000
Irrigation	Fiscal 2005 and 2006	650,000
Contingency	Fiscal 2005 and 2006	443,800
Construction Costs		4,012,300
Equipment including tractor, mowers, maintenance carts and generators	Fiscal 2006	450,000
Modular Buildings including equipment, supplies storage, workshop, and restrooms	Fiscal 2006	515,000
Fixtures	Fiscal 2006	20,000
Soccer Equipment including goals, nets, and player benches	Fiscal 2006	150,000

Complex Signage	Fiscal 2005 and 2006	20,000
Outfit Costs		1,155,000
Subtotal		5,816,300
Outside Labor and Consultants	Fiscal 2005 and 2006	117,000
Construct 2 Fields with Artificial Turf	Fiscal 2007 and 2008	1,800,000
Total Estimated Cost		7,733,300

Assuming the EIR is completed within 7 months as discussed previously and the necessary funds have been raised and/or funding commitments have been received, the earliest the Complex would be ready for play would be the June-July timeframe of 2006. However, groundbreaking for the SVSC will not occur until sufficient funding commitments are in place to ensure the completion of the project.

Funding Sources

Over the past several years each player registered in one of the District II Leagues has been assessed a "field fund fee." On an annual basis these fees total approximately \$ 125,000. It is anticipated this assessment will continue at least 3 more years (through fiscal 2007) and possibly longer as required.

SJSCF has engaged the services of Essex & Drake Fund Raising Counsel to provide direction and assist with the Foundation's \$ 7 million major capital campaign. As part of the campaign strategy, District II parents and players will be mobilized and play a key role in the fundraising efforts. The capital campaign plan includes soliciting donations from private and corporate donors, soliciting individual and corporate sponsorships, and various fund raising events.

The Complex's ongoing operations are anticipated to be funded by revenues from field rentals, parking fees, District II Leagues' player field fund fees, sponsorship programs, concessions, special programs (e.g., soccer camps, training clinics with a soccer icon, etc.), and to a lesser degree private and corporate donations.

Benefits of the Complex

It goes without saying that the all soccer players would potentially benefit as the additional fields at the Complex would help relieve the field shortage issue. The Complex will be available for use by and serve all youth soccer leagues in District II and not just those participating in the District II Leagues. Further, the facility will be available for use by all the various men's, women's, and co-ed leagues throughout District II.

Businesses, particularly in the Morgan Hill community, would significantly benefit from the Complex. The players, coaches, parents, and spectators would utilize the services provided by the local restaurants, hotels, shops, and gas stations. It is anticipated that the Complex, at a minimum, would be utilized at least 40 (forty) weekends and probably more annually. And several of the activities held at the Complex would potentially be 3-day events.

Further, a quality soccer complex of this size could host large regional and national tournaments that attract many thousand players, parents, and spectators. Tournaments of this stature would be of major economic benefit to the Morgan Hill-San Jose communities.

Foundation Management

SJSCF President, Dave Morton, and the SJSCF Board of Directors manage the Foundation. The Board of Directors consists of Mr. Morton, SJSCF Executive Vice President Bob Joyce, the CYSA-N District II Commissioner, and the District II League Presidents.

Exhibit I

Proforma Financial Information

Balance Sheets

	August 31,				
	2005	2006	2007	2008	2009
Assets					
Cash and cash investments	1,739,501	100,945	310,582	250,367	1,086,387
Current Assets	1,739,501	100,945	310,582	250,367	1,086,387
Land improvements, net	426,990	2,770,412	3,091,317	3,786,221	3,575,026
Equipment, net	-	1,044,300	813,900	583,500	353,100
Buildings, net	-	419,900	375,700	331,500	287,300
Total Assets	<u>2,166,491</u>	<u>4,335,557</u>	<u>4,591,499</u>	<u>4,951,588</u>	<u>5,301,813</u>
Liabilities and Funds Balances					
Accounts payable	77,544	475,089	73,075	99,717	102,677
Salaries payable	9,983	10,450	10,200	13,248	13,927
Current Liabilities	87,527	485,539	83,275	112,965	116,603
Funds Balances	2,078,964	3,850,018	4,508,224	4,838,623	5,185,210
Total Liabilities and Funds Balances	<u>2,166,491</u>	<u>4,335,557</u>	<u>4,591,499</u>	<u>4,951,588</u>	<u>5,301,813</u>

Statements of Operations

	August 31,				
	2005	2006	2007	2008	2009
Revenue	2,207,500	3,667,000	1,979,800	2,002,200	2,089,000
Cost of Revenue	300,000	47,200	317,600	475,000	631,000
	1,907,500	3,619,800	1,662,200	1,527,200	1,458,000
Operating Costs	315,848	806,545	904,994	1,029,301	1,086,914
Construction Costs	187,688	1,039,701	84,000	156,000	-
	503,536	1,846,246	988,994	1,185,301	1,086,914
Other Income/(Expense)	3,000	(2,500)	(15,000)	(11,500)	(24,500)
Income/(Loss)	<u>1,406,964</u>	<u>1,771,054</u>	<u>658,206</u>	<u>330,399</u>	<u>346,586</u>



CITY OF MORGAN HILL POLICE DEPARTMENT

16200 Vineyard Boulevard – Morgan Hill, California 95037

408-776-7315

FAX-408-776-7329

April 4, 2005

Dr. Carolyn McKennan
Superintendent,
Morgan Hill Unified School District
15600 Concord Circle
Morgan Hill, CA 95037

Re: Funding for the Police Department School Resource Officers and Special Events

Dear Carolyn:

I am writing to you to once again request funding from the Morgan Hill Unified School District for the Police Department school resource officer program (SRO). As you will recall, at our last City/School Liaison meeting we discussed the issue of future funding for the program. I understood from that discussion that District funding for the 2005-2006 fiscal year had not yet been identified. Currently the District provides \$56,700 annually to the City to help offset costs associated with the SRO program and that amount helps to support two full-time police officers at the two high schools throughout the school year. Additionally, the City of Morgan Hill has for the last three years received partial funding for the program through the Cops in Schools Grant. That grant is in its final year and will end soon. Moreover, we have no plans to apply for a new grant because under the terms of these grants, supplanting existing staff is not allowed. The City would be required to hire an additional police officer. And, due to current budget constraints that is not feasible. As you can see funding for the SRO program for FY 2005-06 is even more critical than in years past.

So, I am requesting that the District again provide partial funding for the SRO program at a recommended annual amount of \$ 57,720. That amount, which is slightly higher than the current year, reflects police officer salary increases for staffing eight hours per day, plus training and preparation for one SRO for 185 days. This amount does not include providing an SRO for summer school. The second SRO would be fully funded by the City.

Also, as a follow up to our conversation several months ago I am writing to inform you that the fees we charge the District for providing police officers at special events will increase to \$59 per hour effective July 1, 2005. Currently and in past years, we have charged the District \$30 per hour for security at football games, dances and other school events. The current fee does not allow the Police Department to fully recover costs associated with providing this service to the

Letter to Dr. Carolyn McKennan Page 2

District as we must pay our officers at a time and one-half (overtime) rate of \$59 consistent with F.L.S.A. guidelines.

Thank you for your interest in these important matters. I would be happy to discuss them in more detail at your earliest convenience.

Sincerely,

Bruce Cumming
Chief of Police

C: Ed Tewes, City Manager

AMENDED IN ASSEMBLY APRIL 13, 2005

AMENDED IN ASSEMBLY MARCH 31, 2005

AMENDED IN ASSEMBLY MARCH 30, 2005

AMENDED IN ASSEMBLY MARCH 14, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 260

**Introduced by Assembly ~~Member Bermudez~~ *Members Bermudez
and Jerome Horton***

**(~~Coauthor: Assembly Member Chavez~~ *Coauthors: Assembly
Members Aghazarian, Chavez, Coto, Levine, Negrete McLeod,
Plescia, and Torrico*)**

(Coauthor: Senator Romero)

February 8, 2005

An act to amend Section 13110.5 of the Health and Safety Code,
relating to fire protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 260, as amended, Bermudez. State Fire Marshal: fire response
time: reports.

Existing law requires the chief fire official of each fire department
operated by the state, a city, city and county, fire protection district,
organized fire company, or other public or private entity that provides
fire protection to provide to the State Fire Marshal information and
data relating to each fire that occurs within his or her area of
jurisdiction. Existing law requires the State Fire Marshal to adopt
regulations that, among other things, prescribe the scope of the
information to be reported.

This bill would require the State Fire Marshal, in consultation with the State Board of Fire Services and specified experts, to adopt revised regulations to require the statistical information furnished on and after January 1, 2007, to include response time and staffing level information that is compatible with the National Fire Incident Reporting System established by the Federal Emergency Management Agency and to include other specified information. By increasing the duties of local officials, this bill would impose a state-mandated local program.

Existing law requires the State Fire Marshal to annually analyze the information and data reported, compile a report, and disseminate a copy of the report, together with his or her analysis, to each chief fire official in the state.

This bill would, on and after July 1, 2007, require the report to include a comparison of benchmarks found in a nationally recognized standard for fire protection to the response time and staffing data for each reporting fire department, the average of all reporting fire departments in each county, and the average of all reporting fire departments. The bill would authorize the State Fire Marshal, instead of disseminating the report to each chief fire official, to make this annual report available on the State Fire Marshal Web site on and after July 1, 2007, if he or she determines it is the most cost-effective means of disseminating the report.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:

1 (a) It is the intent of the Legislature to increase the level of
2 public information ~~about~~ *concerning* fire department response
3 times and staffing levels.

4 (b) By requiring the provision of comparison data relating to
5 fire department response time and staffing levels, the Legislature
6 recognizes that each community may have different levels of
7 available resources and public protection needs.

8 (c) It is the role of affected local governments and residents to
9 establish public safety policy and service levels and identify
10 subsequent fiscal requirements and priorities within their
11 community.

12 (d) Nothing in this act is intended to establish or create service
13 delivery mandates on local government.

14 SEC. 2. Section 13110.5 of the Health and Safety Code is
15 amended to read:

16 13110.5. (a) The State Fire Marshal shall gather statistical
17 information on all fires, medical aid incidents, and hazardous
18 materials incidents occurring within this state.

19 (b) The chief fire official of each fire department operated by
20 the state, a city, city and county, fire protection district,
21 organized fire company, or other public or private entity that
22 provides fire protection, shall furnish information and data to the
23 State Fire Marshal relating to each fire that occurs within his or
24 her area of jurisdiction.

25 (c) The chief fire official of each fire department operated by
26 the state shall, and the chief fire official of fire departments
27 operated by a city, city and county, fire protection district,
28 organized fire company, or other public or private entity that
29 provides fire protection may, also furnish information and data to
30 the State Fire Marshal relating to medical aid incidents and
31 hazardous materials incidents that occur within their area of
32 jurisdiction.

33 (d) (1) The State Fire Marshal shall adopt regulations
34 prescribing the scope of the information to be reported, the
35 method of reporting the information, the forms to be used, the
36 time the information shall be reported, and other requirements
37 and regulations as the State Fire Marshal determines necessary.

38 (2) The State Fire Marshal, in consultation with the State
39 Board of Fire Services and appropriate fire service response
40 reporting technical experts, shall adopt revised reporting

1 regulations to require the statistical information furnished to the
2 State Fire Marshal on and after January 1, 2007, to include
3 response time and staffing level information that is compatible
4 with the National Fire Incident Reporting System established by
5 the Federal Emergency Management Agency and to include data
6 specified in the Apparatus or Resources module (NFIRS-9) and
7 the Personnel module (NFIRS-10) of this system.

8 (3) The State Fire Marshal shall provide a copy of the revised
9 reporting regulations to the Legislature by January 1, 2007.

10 (e) The State Fire Marshal shall annually analyze the
11 information and data reported, compile a report, and disseminate
12 a copy of the report, together with his or her analysis, to each
13 chief fire official in the state, except that on and after July 1,
14 2007, the State Fire Marshal may instead make this annual report
15 available on the State Fire Marshal's Web site if this is the most
16 cost-effective means to disseminate the report. The State Fire
17 Marshal shall also furnish a copy of his or her report and analysis
18 to the State Emergency Medical Services Authority and any other
19 interested person upon request.

20 (f) On and after July 1, 2007, the State Fire Marshal's report
21 provided for pursuant to subdivision (e), shall include, but not be
22 limited to, a comparison of benchmarks found in a nationally
23 recognized standard for fire protection to the response time and
24 staffing data for all of the following:

25 (1) Each reporting fire department.

26 (2) The average of all fire departments in each county.

27 (3) The average of all fire departments reporting.

28 (g) Any comparisons of response time and staffing
29 benchmarks described in subdivision (f) shall only be construed
30 as advisory staffing and response time goals for consideration by
31 local government fire departments.

32 SEC. 3. If the Commission on State Mandates determines that
33 this act contains costs mandated by the state, reimbursement to
34 local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.